

### **Remarks**

The Examiner's reconsideration of the application is requested in view of the amendments above, comments below, and attachments hereto.

Applicant understands that no specific response is required to the objection in the Examiner's paragraph 1.

In paragraph 3, the Examiner alleges that Applicant does not disclose sufficiently how the tabernacle can work, to afford movement of the mast to a stowed position. Reconsideration is requested.

Applicant refers to the specification on page 6, line 3 and lines 13 to 16. Applicant further refers to page 8, lines 9 to 18 of the specification. These passages explain quite clearly to the skilled reader how the tabernacle 6 cooperates with the mast 1 to afford pivotal movement of the mast in the tabernacle. Given that the skilled reader may be expected to be familiar with the basic constructional features of a sailing boat, Applicant finds it difficult to imagine how this may be explained with further clarity. Which parts of the description would the skilled reader be unable to understand? Further explanation would be appreciated if the Examiner maintains this rejection.

Yet further explanation of optional features in this regard is afforded on page 9, lines 14 to 22.

In case it should help clarity of understanding, the word "tabernacle" has been replaced in claims 14 and 16 with alternative wording.

With reference to the subsequent rejections, Applicant notes the indicated allowability of claims 18, 19, 23 and 24 if rewritten appropriately and thanks the Examiner for this. However, upon further reconsideration, it is submitted that the application, as amended above, is in condition for allowance.

Independent claims 1 and 34 have been cancelled. Claim 41 is the remaining independent claim, to which further features have been added.

The Examiner alleges that claim 41 is anticipated by Wilkie, but does not list

Wilkie in the Notice of References Cited. Applicant presumes that "Wilkie" means US 2,364,578, listed in the International Search Report and, since Wilkie is somewhat similar to Posgate, Applicant will conveniently refer in the following to Wilkie.

One can see that Wilkie discloses a double mast 10, which he describes as "wishbone" shape - see column 2, line 42-3. The sail is arranged as a gaff rig, in which the sail 24 depends from a gaff boom 26 that extends along the upper forward edge of the sail.

The problem of the rig of Wilkie is that, although the double mast 10 provides an area within which the sail 24 may be deployed, the limits of deployment are constrained by the relatively narrow spacing of the opposite mast portions 10. In many sailing conditions, the sail 24 would foul the mast 10.

In contrast to Wilkie, claim 41 now has the most unusual feature of the mast 1 extending not only upwardly from the hull 7, but also outwardly from it, before returning to an upper point that is substantially above the centre line of the hull. This is indeed a very surprising arrangement that has nowhere been contemplated, prior to the present invention. Who has ever seen a mast bowing outwardly from a hull, such that a suspended sail may be deployed within the space enclosed by the mast?

This most unusual arrangement leads to surprising advantages in the effectiveness of the rig. By diverting the mast outwardly from the hull, it becomes possible for the first time to allow an area in which the sail 3 can be deployed fully, in all sailing conditions. There is nothing in Wilkie to disclose or suggest a modification whereby the mast extends outwardly of the hull. Likewise, there is no such disclosure or suggestion in any of the known prior art. It is firmly in the mindset of boat designers that a mast must be confined within the width of the hull. The present invention involves considerable lateral thinking outside these constraints.

The Inventor has built and tested both full-size and model versions of boats incorporating the invention and has been extremely surprised himself at the easy and

efficient way in which the boats have sailed. Onlookers have never seen anything like it and are amazed at the performance.

By way of further information, attached is a copy of the Inventor's brochure for model boats (in color, when transmitted). Also attached is a copy of a sketch that the Inventor has prepared, illustrating how, with a boat carrying a rig in accordance with an embodiment of the present invention, the sail may be fully deployed without fouling the mast, even when sailing down wind in strong conditions. One may readily appreciate from this sketch, how easily the sail would foul the mast in these conditions, if constructed in accordance with the teaching of Wilkie.

Thus, it is submitted that amended claim 4 1 is both novel and non-obvious in view of Wilkie.

As indicated above, Posgate is somewhat similar to Wilkie, but rather more complicated. The arguments submitted above in relation to Wilkie apply equally to Posgate.

Applicant is quite surprised that the Examiner has cited Rudloff against claim 41. The Examiner alleges that the term "sailing boat" implies an intended use rather than any structural limitation. With respect, Applicant must disagree strongly with the Examiner's analysis. The specific disclosure in Rudloff is of a skateboard that carries a sail rig. There is no way that the board 10 may be regarded as a "hull" of a "sailing boat". The hull of a sailing boat is a hollow structure that will float on water. There is nothing in Rudloff to suggest that the board 10 may be replaced by a hollow hull such that the illustrated apparatus may float on water. On the contrary, it seems highly likely that, if one were to try to float the illustrated apparatus on water then, given the very small size of the skateboard 10, the apparatus would immediately sink.

Therefore, Applicant submits that Rudloff does not disclose the essential requirements of a boat, a sailing boat, or a sailing boat having a hull, as required by claim 41.

Further, claim 41 requires the mast to extend upwardly from one side of the hull. In Rudloff, the mast extends upwardly from the center line of the "hull", as may be clearly seen in the drawings. It is submitted that, if the mast 20 of Rudloff were to extend upwardly from one side of the skateboard 10, then it would be quite hopeless for the maneuverability that Rudloff aims to provide, in the special and particular context of a sailing board.

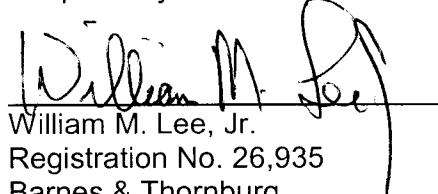
Thus, Applicant submits that the amended claim 41 is both novel and non-obvious in view of Rudloff.

It is therefore submitted that the application, as amended, is in condition for allowance, and the Examiner's further and favorable reconsideration in that regard is urged.

As this response is being submitted during the fifth month following the Examiner's Office Action, an appropriate petition for extension of time is also submitted herewith.

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Respectfully submitted,

  
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